

HOUSE BILL NO. 70

INTRODUCED BY STAHL

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING COUNTY COMMISSIONERS ~~OF FOURTH-
THROUGH SEVENTH-CLASS COUNTIES~~ OF CERTAIN COUNTIES FROM THE RESTRICTION ON
APPOINTMENT OF RELATIVES TO POSITIONS WITHIN THE COUNTY; REQUIRING THE COUNTY
COMMISSIONER RELATED TO THE PERSON BEING APPOINTED TO ABSTAIN FROM VOTING ON THE
APPOINTMENT; PROVIDING FOR SPECIFIC NOTICE OF THE INTENDED APPOINTMENT; AND AMENDING
SECTION 2-2-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-2-302, MCA, is amended to read:

**"2-2-302. Appointment of relative to office of trust or emolument unlawful -- exceptions --
publication of notice.** (1) Except as provided in subsection (2), it is unlawful for a person or member of any
board, bureau, or commission or employee at the head of a department of this state or any political subdivision
of this state to appoint to any position of trust or emolument any person related or connected by consanguinity
within the fourth degree or by affinity within the second degree.

(2) The provisions of 2-2-303 and this section ~~and 2-2-303~~ do not apply to:

(a) a sheriff in the appointment of a person as a cook or an attendant;

(b) school district trustees if all the trustees, with the exception of any trustee who is related to the
person being appointed and who must abstain from voting for the appointment, approve the appointment of a
person related to a trustee;

(c) a school district in the employment of a person as a substitute teacher who is not employed as a
substitute teacher for more than 30 consecutive school days;

(d) the renewal of an employment contract of a person who was initially hired before the member of the
board, bureau, or commission or the department head to whom the person is related assumed the duties of the
office;

(e) the employment of election judges; ~~or~~

(f) the employment of pages or temporary session staff by the legislature; or

1 ~~(g) county commissioners of fourth- through seventh-class counties, as provided in 7-1-2111, OF A~~
2 ~~COUNTY WITH A POPULATION OF LESS THAN 10,000 if all the commissioners, with the exception of any commissioner~~
3 ~~who is related to the person being appointed and who must abstain from voting for the appointment, approve~~
4 ~~the appointment of a person related to a commissioner.~~

5 (3) Prior to the appointment of a person referred to in subsection (2)(b) or (2)(g), ~~the school district~~
6 ~~trustees shall give~~ written notice of the time and place ~~of their for the intended action. The notice~~ must be
7 published at least 15 days prior to the ~~trustees'~~ intended action in a newspaper of general circulation in the
8 county in which the school district is located or the county office or position is located."

9 - END -